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08/829,857 04/01/97 RIELEY

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LM02/0708
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EXAMINER

PEZZLO, J

ART UNIT

PAPER NUMBER

2738

DATE MAILED:

07/08/99

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/829,857

Applicant(s)
Rieley et al.

Examiner
John Pezzlo

Group Art Unit
2738



☒ Responsive to communication(s) filed on 7 Jun 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

This action is response to amendment received 7 June 1999.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 1, 2, 3, 6, 7, 8, 9, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hyde-Thomson (Patent Number 5,557,659).

Hyde-Thomson discloses a system to integrate voice messages with a electronic mail (E-mail) messages.

Detail claim analysis:

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Claims 1 and 7 - Hyde-Thomson discloses a client-server system architecture based on the use of telephones connected to the PSTN and PCs connected to a LAN (refer to Figure 1). The telephones use the PSTN to connect to a PBX and the LAN is connected to a voice gateway PC which is interconnected to the PBX. When a caller is unsuccessful in reaching the called party using the PSTN the call is switched via the PBX to the voice gateway PC. The voice gateway PC accepts the caller's voice message for the called party and converts the analog speech to a digital text message and routes the digital text message via the LAN to a file server/disk storage unit to be saved as an E-mail message.

The incoming call to the user's (called party's) telephone number (inbound address) is re-routed via the PBX to the voice gateway PC when the called party fails to answer the call (refer to column 4 lines 1 to 9).

The voice gateway PC converts the called party telephone number (extension) to an E-mail address and sends the file with the E-mail address to the file server/disk storage unit located on the LAN.

The voice gateway PC converts the analog voice signal (audio speech) into a digital format (refer to column 3 lines 34 to 53).

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The voice gateway PC translates the called party telephone number into an E-mail address and sends the E-mail (digital text file of the audio speech) to the E-mail address to the file server/disk storage unit (refer to column 4 lines 1 to 9).

Claims 2 and 8 - The inbound address is the called party's telephone number (extension) which is the user's circuit destination address (refer to column 4 lines 1 to 9).

Claim 3 and 9 - The voice gateway PC validates and translates the user phone number (extension) into an E-mail address (refer to column 4 lines 10 to 24).

Claim 6 and 12 - When the PBX forwards the call to the voice gateway PC the voice gateway PC allocates a message processing resource to convert the audio to digital text (refer to column 3 lines 34 to 53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 and 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyde-Thomson (same as above).

Hyde-Thomson discloses an integrated system for handling voice and text based messages. (refer to above)

Hyde-Thomson suggests the integrated voice and E-mail message system can be used for facsimile and graphics files (refer to column 3 lines 26 to 32 and column 2 lines 26 to 34) but does not teach expressly how the facsimile messages will be handled using the integrated system.

Hyde-Thomson discloses the use of APIs, MAPIs, and VIMs which are messaging application specific programs used to interface files to E-mail software routines (refer to column 6 lines 63 to 67). Hyde-Thomson would utilize a facsimile and graphics specific programs to incorporate the fax and graphics files into the voice and E-mail system.

Hyde-Thomson and the application are analogous art because they are from the same field of endeavor, merging voice and E-mail messages.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to utilize Hyde-Thomson to include the ability to store and retrieve fax and graphics files with the present invention.

Hyde-Thomson makes the suggestion in the above referenced sections. The motivation for doing so would have been to extend the integration of the system from just voice and E-mail to also include facsimiles and graphics files which would increase the utility of the system and make the system more saleable to customers therefore increasing market share and profits.

Therefore, it would have been obvious to include facsimiles and graphics files with the present reference to obtain the invention as specified in claims 4 and 5 and 10 and 11 above.

2. Claims 13 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyde_Thomson (same as above).

Hyde-Thomson discloses an integrated system for handling voice and text based messages. (refer to above)

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Hyde-Thomson refers to programs which interface to commercially available E-mail systems that are used to interface voice messages to the E-mail messages (refer to column 6 lines 47 to 67). These programs run on the various units of the systems such as the voice gateway PC and the file server. Hyde-Thomson does not disclose expressly the use of an article of manufacture for storing computer readable instructions.

Hyde-Thomson and the application are analogous art because they are from the same field of endeavor, merging voice and E-mail messages.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to utilize Hyde-Thomson to expressly state the inclusion of the article of manufacture with the present invention.

The suggestion/motivation for doing so would have been the program can be updated in the future to add more features and add customer requested changes without effecting system hardware elements and minimum disruption to the operation of the system. It is known in the art that PC based applications (programs) are stored on articles of manufacture. Hyde-Thomson discusses API programs to interface to the E-mail software packages, which are stored on articles of manufacture. The additional programs can also be stored on articles of manufacture to have a

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common method of storing all the programs required by the system which makes software maintenance and operation consistent for the entire system.

Therefore, it would have been obvious to include the article of manufacture with the present reference to obtain the invention as specified in claims 13 - 18 above.

Response to Remarks

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Irribarren (Patent Number 5,737,395) discloses a system and method for integrating voice, facsimile and electronic mail data through a personal computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (703) 306-5420. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6743 or (703) 305-3988

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Receptionist (Sixth Floor)

Crystal Park 2

2121 Crystal Drive

Arlington, VA



John Pezzlo

30 June 1999



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700